

09/15/2003 14:20 FAX 2028243001

BANNER AND WITCOFF

001



BANNER & WITCOFF, LTD.
INTELLECTUAL PROPERTY LAW

1001 G STREET, N.W.
WASHINGTON, D.C. 20001-4597

TEL: 202.824.3000
FAX: 202.824.3001
www.bannerwitcoff.com

FACSIMILE TRANSMITTAL SHEET

TO: Examiner P.N. Huynh	FROM: Lisa M. Hemmendinger
COMPANY: U.S. Patent & Trademark Office	DATE: September 15, 2003
FAX NUMBER: 703 872-9306	TOTAL NO. OF PAGES: 54
RE: Copy of Amendment, Petition for EOT, And Declaration of Kundig Under 1,132 w/Exhibits 1-7 Filed 7/24/03 w/copy of Date-Stamped Postcard of 7/24/03	OUR REFERENCE NO.: 005184.00002

OFFICIAL

RECEIVED
CENTRAL FAX CENTER
SEP 15 2003

If you do not receive all page(s) or have any problems receiving this transmission, please call:

NAME: Beth Harrison **PHONE:** 202 824.3136

COMMENTS:

URGENT!

IMPORTANT/CONFIDENTIAL: This message is intended only for the use of the individual or entity to whom it is addressed. This message contains information from the law firm of **BANNER & WITCOFF, LTD.** which may be privileged, confidential or exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, retention, archiving, or copying of the communication is strictly prohibited. If you have received this communication in error, please notify us immediately at our telephone number listed above. We will be happy to arrange for the return of this message to our offices at no cost to you.

CHICAGO

WASHINGTON, D.C.

BOSTON

PORTLAND,
OR

Received from <2028243001> at 9/15/03 2:18:52 PM [Eastern Daylight Time]

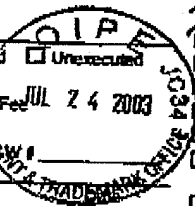
OFFICIAL

RECEIVED
CENTRAL FAX CENTER

SEP 15 2003

PATENT DESIGN B&W Ref. 05184.00002 Date 7/24/03
 HAND CARRY Group/Section
 Serial/Patent No. 09/004 464 Bldg 311 Rm. 144
 Inventor Kündig et al. Client LMH/MLH
 Title Modulation of Allergic Response

- The following has been received in the U.S. Patent and Trademark Office on the date stamped hereon:
- _____ total pp Spec. including : # of Claims _____
 - _____ (# of independent claims _____); Abstract
 - Drawing(s) : Formal Informal
 - _____ # of distinct sheets _____ : Figs. _____
 - Declaration/Power of Attorney : Executed Unexecuted
 - Assignment w/PTO Cover Sheet
 - IDS w/PTO 1449 References w/Fee
 - Preliminary Amendment
 - Priority Claim (Foreign or U.S. Provisional. B&W # _____)
 - Country _____ Appl. # _____
 - w/Foreign Priority Document(s)
 - Application : CIP Continuation Divisional
 - Parent Ser. No. _____ B&W# _____
 - U.S. Provisional _____ pp Spec/Claims; Cover Sheet
 - Response to Missing Parts/Requirements etc
 - Response to Notice to File Corrected Appl. Papers etc
 - Request for Expedited Foreign Filing License
 - Request for Corrected : Filing Receipt Assignment
 - Response to Restriction/Election Requirement
 - Sequence Listing : Diskette Paper
 - Amendment Response : OA etc 3/25/03
 - Petition for Extension of Time until 7/25/03
 - CPA RCE w/Ext of Time : OA etc
 - Request for Approval of Drawing Changes
 - Notice of Appeal & Fee
 - Brief : Appeal & Fee Reply
 - Request for Oral Hearing
 - Issue Fee Advance Patent Copies (# ordered _____)
 - Notice of Allowance etc _____
 - Amendment under 37 CFR 1.312
 - Request for Certificate of Correction
 - Transmittal Fee Transmittal w/Auth. to Charge Deposit Acct.
 - Certificate of Mailing
 - Check # _____ for \$ _____
 - Declaration of Dr. Thomas
 - Kündig under 37 CFR
 - 1.132 w/ Exhibits 1-7



16

B&W Rev. 5/01

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
 KÜNDIG and McCORMACK)
)
 Serial No.: 09/804,464)
)
 Filed: March 13, 2001)
)
 For: MODULATION OF ALLERGIC RESPONSE

Group Art Unit: 1644

Examiner: Phyoung N. HUYNH

Docket No: 005184.00002

OFFICIAL
RECEIVED
CENTRAL FAX CENTER
SEP 15 2003

AMENDMENT

MAIL STOP AF
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

This paper is filed in response to the Office Action mailed March 25, 2003. Please charge the fee for a one-month extension of time to our Deposit Account No. 19-0733.

Claims 1-10, 14, 19-26, 45, and 46 are pending and stand rejected.

An unsigned declaration of Dr. Thomas Kündig under 37 C.F.R. § 1.132 accompanies this amendment. Applicants will file a signed copy as soon as it is received.

Please enter the following amendments.